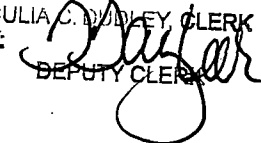


APR 13 2016

JULIA C. DUNN, CLERK  
BY:   
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA, ) CASE NO. 7:13CR00013  
)  
)  
)  
v. ) **ORDER**  
)  
)  
WILLIAM A. WHITE, ) By: Hon. Glen E. Conrad  
) Chief United States District Judge  
Defendant. )

The defendant was found guilty in November 2013 of three counts of extortion by interstate communication and one count of making a threat by interstate communication, based on emails to his former wife. The court sentenced him to 92 months in prison, and the defendant appealed. On January 7, 2016, the United States Court of Appeals for the Fourth Circuit affirmed this court's judgment. The defendant has recently filed a petition for a writ of certiorari in the United States Supreme Court. Despite the pendency of that petition, the defendant has submitted motions in this court, among other things, seeking to preserve his right, under Rule 33 of the Federal Rules of Criminal Procedure, to file a motion for new trial based on newly discovered evidence within three years after the guilty verdict. After review of the record, it is hereby

**ADJUGED AND ORDERED**

as follows:

1. The defendant's motion to unseal (ECF No. 236), asking to lift the temporary seal placed on the transcript of court proceedings conducted on September 26, 2013, (ECF No. 231) is **GRANTED**;
2. The defendant's motion to stay (ECF No. 240), asking the court to delay ruling on his motion for new trial under Fed. R. Crim. P. 33 (ECF No. 239), is **GRANTED**, and the motion for new trial is hereby **STAYED** until further order of this court,

following the Supreme Court's decision on the defendant's pending petition for a writ of certiorari;

3. Defendant's motions for leave to file an exhibit under seal (ECF Nos. 238 and 244) are **DENIED** without prejudice, because these motions do not comply with Local Rule 9 of this court, which requires that any motion to seal must include, as an attachment, the document to be filed under seal;<sup>1</sup> and

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<sup>1</sup> Local Rule 9 states, in pertinent part:

(a) General.

A "sealed document" is a document in the form of a pleading, exhibit or other paper access to which is prohibited or restricted other than by the Court or its authorized personnel. Portions of a document cannot be filed or placed under seal—only the entire document may be sealed. No sealed document may be disclosed except upon order of the Court.

(b) Procedures for Filing a Sealed Document.

(1) Format. Any sealed document must be tendered to the Clerk and conspicuously labeled "SEALED."

(2) Motion to Seal. To obtain a sealing order a party must file an unsealed written motion containing:

- a. a generic, non-confidential identification of the document to be sealed;
- b. the bases upon which the party seeks the order, including the reasons why alternatives to sealing are inadequate; and
- c. the duration for which sealing is requested.

The moving party also must file with the motion a proposed unsealed order granting the motion and setting forth the bases for the Court's action. If it already has not been tendered, the moving party also must tender to the court, in camera, the document proposed to be sealed. The document will be kept under seal by the Clerk pending a decision by the Court on the motion. If the motion to seal is denied, the document will be returned by the Clerk to the party tendering it, unless the Court orders otherwise.

4. The defendant's motion to stay (ECF No. 242), asking the court to delay ruling on his motion to vacate, set aside or correct the sentence under 28 U.S.C. § 2255 (ECF No. 241) is **DENIED**, and the § 2255 motion (ECF No. 241) is hereby **DISMISSED** without prejudice as premature. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

The clerk will send a copy of this order to defendant and counsel of record for the government.

ENTER: this 12<sup>th</sup> day of April, 2016.

  
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Chief United States District Judge